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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,757	09/19/2003	Glenn J. Leedy	ELM-1 Cont. 9	6828
7590	11/02/2005		EXAMINER	
PHILIP R POH FISH & NEAVE 1251 AVENUE OF THE AMERICAS NEW YORK, NY 10020-1105			PERKINS, PAMELA E	
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10/665,757	Applicant(s)	LEEDY, GLENN J.
Examiner	Pamela E. Perkins	Art Unit	2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 08 August 2005.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 156-424,427-455,457-460,462-464,466-468 and 470-522 is/are pending in the application.  
4a) Of the above claim(s) 292-393,400-408,427-447 and 486-522 is/are withdrawn from consideration.  
5) Claim(s) See Continuation Sheet is/are allowed.  
6) Claim(s) 220-255,262-264 and 397-399 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
    1. Certified copies of the priority documents have been received.  
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.  
4) Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

Continuation of Disposition of Claims: Claims allowed are 156-219,256-261,265-291,394-396,409-424,448-455,457,462-464,466-468 and 470-485.

## **DETAILED ACTION**

This office action is in response to the filing of the election on 8 August 2005.

Claims 156-424, 427-455, 457-460, 462-464, 466-468 and 47-522 are pending; claims 1-55, 425, 426, 456, 461, 465 and 469 have been cancelled.

### ***Election/Restrictions***

Applicant's election with traverse of group I, claims 156-291, 394-399, 409-424 and 448-485 in the reply filed on 8 August 2005 is acknowledged.

The requirement is still deemed proper and is therefore made FINAL.

Claims 292-393, 400-408, 427-447, and 486-522 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected groups II and III, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8 August 2005.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 220-255 and 262-264 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,682,981. Although the conflicting claims are not identical, they are not patentably distinct from each other because it is obvious that active devices are formed on a substrate.

Claim 220 of the present application corresponds to claim 1 of U.S. Patent No. 6,682,981. Claim 221 of the present application corresponds to claim 2 of U.S. Patent No. 6,682,981. Claim 222 of the present application corresponds to claim 3 of U.S. Patent No. 6,682,981. Claim 223 of the present application corresponds to claim 4 of U.S. Patent No. 6,682,981. Claim 224 of the present application corresponds to claim 5 of U.S. Patent No. 6,682,981. Claim 225 of the present application corresponds to claim 6 of U.S. Patent No. 6,682,981. Claim 226 of the present application corresponds to claim 7 of U.S. Patent No. 6,682,981. Claims 227 and 262 of the present application corresponds to claim 8 of U.S. Patent No. 6,682,981. Claim 228 of the present application corresponds to claim 9 of U.S. Patent No. 6,682,981. Claim 229 of the present application corresponds to claim 10 of U.S. Patent No. 6,682,981. Claim 230 of the present application corresponds to claim 11 of U.S. Patent No. 6,682,981. Claim 231 of the present application corresponds to claim 12 of U.S. Patent No. 6,682,981. Claim 232 of the present application corresponds to claim 13 of U.S. Patent No. 6,682,981. Claim 233 of the present application corresponds to claim 14 of U.S. Patent

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No. 6,682,981. Claim 234 of the present application corresponds to claim 15 of U.S. Patent No. 6,682,981. Claim 235 of the present application corresponds to claim 16 of U.S. Patent No. 6,682,981. Claim 236 of the present application corresponds to claim 17 of U.S. Patent No. 6,682,981. Claim 237 of the present application corresponds to claim 18 of U.S. Patent No. 6,682,981. Claim 238 of the present application corresponds to claim 19 of U.S. Patent No. 6,682,981. Claim 239 of the present application corresponds to claim 20 of U.S. Patent No. 6,682,981. Claim 240 of the present application corresponds to claim 21 of U.S. Patent No. 6,682,981. Claim 241 of the present application corresponds to claim 22 of U.S. Patent No. 6,682,981. Claim 242 of the present application corresponds to claim 23 of U.S. Patent No. 6,682,981. Claims 243 and 263 of the present application corresponds to claim 24 of U.S. Patent No. 6,682,981. Claim 244 of the present application corresponds to claim 25 of U.S. Patent No. 6,682,981. Claim 245 of the present application corresponds to claim 26 of U.S. Patent No. 6,682,981. Claim 246 of the present application corresponds to claim 27 of U.S. Patent No. 6,682,981. Claim 247 of the present application corresponds to claim 28 of U.S. Patent No. 6,682,981. Claim 248 of the present application corresponds to claim 29 of U.S. Patent No. 6,682,981. Claim 249 of the present application corresponds to claim 30 of U.S. Patent No. 6,682,981. Claim 250 of the present application corresponds to claim 31 of U.S. Patent No. 6,682,981. Claim 251 of the present application corresponds to claim 32 of U.S. Patent No. 6,682,981. Claim 252 of the present application corresponds to claim 33 of U.S. Patent No. 6,682,981. Claim 253 of the present application corresponds to claim 34 of U.S. Patent No.

6,682,981. Claims 254 and 264 of the present application corresponds to claim 35 of U.S. Patent No. 6,682,981. Claim 255 of the present application corresponds to claim 36 of U.S. Patent No. 6,682,981.

Claims 397-399 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 15 and 26 of U.S. Patent No. 6,682,981 in view of Leedy (5,869,354).

Leedy discloses a method of making a dielectrically isolated integrated circuit where a substrate has a principal surface, forming an etch barrier layer in the substrate, forming semiconductor devices on the principal surface, depositing a low-stress insulating membrane over the semiconductor devices, etching away the etch barrier layer a portion of the substrate from a backside of the substrate opposite the principal surface (col. 50, lines 8-23).

***Allowable Subject Matter***

Claims 156-219, 256-261, 264-291, 394-396, 409-424, 448-455, 457-460, 462-464, 466-468 and 470-485 are allowed.

The following is an examiner's statement of reasons for allowance: referring to claims 156, 169 and 179, prior art does not anticipate, teach, or suggest a method of making an integrated circuit where a substrate has a principal surface; forming circuit devices on the principal surface; and forming a stress-controlled dielectric membrane/layer overlying the circuit devices.

Referring to claims 189 and 198, prior art does not anticipate, teach, or suggest a method of using an integrated circuit having a stress-controlled dielectric layer and interconnections formed passing through the stress-controlled dielectric layer wherein formation is transferred through the interconnection formed passing through the stress-controlled dielectric layer.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela E. Perkins whose telephone number is (571) 272-1840. The examiner can normally be reached on Monday thru Friday, 8:30am to 5:00pm.

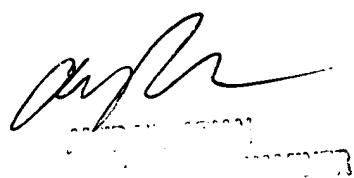
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (571) 272-1852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "John Doe".